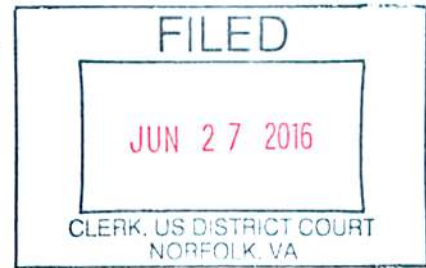


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



BOBBY CLIFTON SETZER, JR., #1060559,

Petitioner,

v.

ACTION NO. 2:15cv517

HAROLD W. CLARKE,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to petitioner's convictions on August 13, 2012, in the Circuit Court for the City of Norfolk for voluntary manslaughter, possession of a firearm by a nonviolent felon, and unlawful discharge of a firearm within, or at, an occupied building. As a result of the convictions, petitioner was sentenced to "twenty years suspended after serving thirteen years." ECF No. 1.

The petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge's Report and Recommendation, filed May 3, 2016, recommends dismissal of the petition with prejudice as barred by the statute of limitations. ECF No. 16. The Court has

received no objections to the Report and Recommendation and the time for filing objections has expired.

The Court does hereby accept the findings and recommendations set forth in the Report and Recommendation, and it is therefore ORDERED that respondent's motion to dismiss, ECF No. 9, is GRANTED, and the petition for writ of habeas corpus, ECF No. 1, is DENIED and DISMISSED WITH PREJUDICE.

Petitioner may appeal from the Judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such Judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

The Clerk shall mail a copy of this Final Order to petitioner and to counsel of record for respondent.



Raymond A. Jackson
United States District Judge

Raymond A. Jackson
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
June 27, 2016